REMARKS

Claims 2, 4-6, 10-13, and 24-26 are pending in the present application.

The rejection of Claims 2-6, 8, and 20-23 under 35 U.S.C. §102(b) over Abraham et al with support from Clarke et al and Macheix et al is obviated by amendment.

The Examiner points to composition code (D) appearing in Table 1 of Abraham et al as containing ferulic acid, caffeic acid, and chlorogenic acid. Further, in Table 2 of Abraham et al the supplement identified as composition code (D) is added to coffee, composition code (C). Thus, the Examiner alleges that original Claims 2-6, 8, and 20-23 are anticipated by the Abraham et al. However, Claim 6 as amended defines no longer includes coffee or decaffeinated coffee amongst the foods and beverages. None of the Abraham et al, Clarke et al, of Macheix et al disclose or suggest a food or beverage presently claimed in Claim 6 that has been supplemented with ferulic acid and one of the specific options defined in (b-1), (b-2), or (b-3). Specifically, none of the cited art disclose or suggest a food or beverage selected from the group consisting of a milk product, a cereal or pasta product, a soy product, a rice product, a wheat flour product, an oil or fat-containing food, a condiment, a semisolid food, a sauce, a soup, tea, decaffeinated tea, a herbal tea or infusion, a chocolate product, a beverage containing alcohol, a fruit or vegetable juice and a soft drink, that contains ferulic acid and one of the specific options defined in (b-1), (b-2), or (b-3).

Accordingly, Applicants request withdrawal of this ground of rejection.

The rejection of Claims 11-16, 24, 25, and 27-29 under 35 U.S.C. §103(a) over Abraham et al with support from Clarke et al and Macheix et al and in view of Hsu as supported by McGraw-Hill and Yokozawa et al is obviated by amendment.

Claims 14-16 and 27-29 have been canceled. Therefore, this ground of rejection is now moot with respect to these claims.

With respect to Claims 11-13, 24, and 25, Applicants submit that these claims depend from Claim 6, which is neither disclosed nor suggested by the prior art. Specifically, none of Abraham et al, Clarke et al, Macheix et al, Hsu, McGraw-Hill and Yokozawa et al, individually or in combination, disclose or suggest a food or beverage comprising:

(a) ferulic acid or an ester thereof, or a pharmaceutically acceptable salt thereof, and

(b) one or more compounds or combination thereof as defined in (b-1), (b-2), or (b-3):

(b-1) caffeic acid, or pharmaceutically acceptable salts thereof,

(b-2) a compound selected from the group consisting of neochlorogenic acid, an isochlorogenic acid, 3,5-dicaffeoylquinic acid, cryptochlorogenic acid and 5-caffeoylquinic acid or pharmaceutically acceptable salts thereof, or

(b-3) caffeic acid and a compound selected from the group consisting of neochlorogenic acid, an isochlorogenic acid, 3,5-dicaffeoylquinic acid, cryptochlorogenic acid and 5-caffeoylquinic acid, or pharmaceutically acceptable salts thereof,

wherein said food or beverage is selected from the group consisting of a milk product, a cereal or pasta product, a soy product, a rice product, a wheat flour product, an oil or fat-containing food, a condiment, a semisolid food, a sauce, a soup, tea, decaffeinated tea, a herbal tea or infusion, a chocolate product, a beverage containing alcohol, a fruit or vegetable juice and a soft drink (see Claim 6).

As such, a method of using this composition is similarly not disclosed or suggested by Abraham et al, Clarke et al, Macheix et al, Hsu, McGraw-Hill and Yokozawa et al, individually or in combination. Accordingly, these references do not affect the patentability of the claimed invention and withdrawal of this ground of rejection is requested.

The rejection of Claims 12 and 13 under 35 U.S.C. §112, second paragraph, is obviated in part by amendment and traversed in part.

Applicants submit that the terms hypertension and high blood pressure in Claim 11 are well-known in the art to be generic terms that embrace the both a systolic and a diastolic component, while Claims 12 and 13 merely specify the individual species. As such, Claims 12 and 13 do not limit Claim 11 to independent treatment they merely require that at least the systolic or diastolic blood pressure, respectively, be reduced and, therefore, these claims are definite. To underscore the foregoing, Claim 11 has been amended to add the phrase "wherein systolic blood pressure, diastolic blood pressure, or both is reduced."

Applicants request withdrawal of this ground of rejection.

The rejections of Claims 3-5, 21, 22, and 23 under 35 U.S.C. §112, second paragraph, are obviated by amendment.

Claim 6 has been amended to replace the chlorogenic acid with the specific species identified in original Claim 4. As such, Applicants believe that the Examienr's criticisms are moot and that these grounds of rejection should be withdrawn. Acknowledgement to this effect is requested.

The rejection of Claims 14-16 and 27-29 under 35 U.S.C. §112, second paragraph, is obviated by amendment. Claims 14-16 and 27-29 have been canceled. Therefore, this ground of rejection is now moot and should be withdrawn.

The obviousness type-double patenting rejection of Claims 2-6, 8, 11-16, and 20-29 over Claims 1-11 of U.S. Patent No. 6,310,100 in view of Abraham as supported by Hsu and Yokozawa et al is respectfully traversed.

Applicants submit that this ground of rejection is without merit as the claims of U.S. Patent No. 6,310,100 fail to include ferulic acid in addition to caffeic acid and/or chlorogenic acid, which is required in the claimed invention. Abraham, Hsu, and Yokozawa et al are summarized above, as are their combined disclosures.

Further, Applicants submit that the data set forth in Table 1 clearly show the substantial advantages flowing from the claimed combination as compared to compositions in which only ferulic acid is present (i.e., U.S. Patent No. 6,310,100). As such, Applicants submit that the claims of the present application are pantentably distinct from the claims of U.S. Patent No. 6,310,100.

Accordingly, withdrawal of this ground of rejection is requested.

The provisional obviousness-type double patenting rejection of Claims 2-6, 8, 11-16, and 20-29 over Claims 1-26 of U.S. 11/209,672 is respectfully traversed.

The Office's records (see the Patent Information Retrieval System) for U.S. Application No. 11/209,672 show that this application was officially abandoned on October 20, 2006. Therefore, this rejection should be withdrawn.

Finally, Applicants request that the provisional obviousness-type double patenting rejection of Claims 2-6, 8, 11-16, and 20-29 over Claims 1-6, 8, and 11-19 of U.S. 10/632,810 and over Claims 1-19 of U.S. 09/922,694 be held in abeyance until allowable subject matter is identified in each application. If necessary, a terminal disclaimer will be

filed at that time. Until such a time, Applicants make no statement with respect to the propriety of this ground of rejection.

Applicants submit that the application is now in condition for allowance. Early notification of such action is earnestly solicited.

Respectfully submitted,

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